WILLIAM AND MARY LAW REVIEW

INDEX

Volume Thirty-One

1989-1990

THE MARSHALL-WYTHE SCHOOL OF LAW
COLLEGE OF WILLIAM AND MARY
WILLIAMSBURG, VIRGINIA 23185

INDEX - AUTHOR

ALLEN, Anita L.
Alive and Well: Religious Freedom in the Welfare State 409

BLAZE, Douglas A.
Presumed Frivolous: Application of Stringent Pleading Requirements in Civil Rights Litigation 935

BURKE, Karen C.
Valuation Freezes After the 1988 Act: The Impact of Section 2036(c) on Closely Held Businesses 67

BUTLER, Lynda L.
State Environmental Programs: A Study in Political Influence and Regulatory Failure 823

CARRINGTON, Paul D.
The Revolutionary Idea of University Legal Education 527

CRAIN, W. Mark
Budget Process and Spending Growth 1021

D'AMATO, Anthony
A New Political Truth: Exposure to Sexually Violent Materials Causes Sexual Violence 575

DEVINS, Neal
Budget Reform and the Balance of Powers 993

EPSTEIN, Richard A.
Religious Liberty in the Welfare State 375

FEIN, Bruce
Threat to Religious Liberty by the Welfare State: An Illusion 423

FLEISCHMANN, Brigitte
A Cultural Historian's Reading of Charles Reich's Impact on the Contemporary Discourse on "Welfare" 307

GAERTNER, Michael J.
The Annenberg Libel Reform Proposal: The Case for Enactment 25

GOLDFARB, Phyllis
When Judges Abandon Analogy: The Problem of Delay in Commencing Criminal Prosecutions 607

HOBSON, Charles F.
James Madison, The Bill of Rights, and the Problem of the States 267

HYLTON, J. Gordon
James Madison, Virginia Politics, and the Bill of Rights 275

KOCH, Charles H., Jr.
Cooperative Surplus: The Efficiency Justification for Active Government 431

MILLER, James C., III
Budget Process and Spending Growth 1021

RAKOVE, Jack N.
The Madisonian Theory of Rights . 245

REICH, Charles A.
The Liberty Impact of the New Property 295

RUTLAND, Robert A.
The Trivialization of the Bill of Rights: One Historian's View of How the Purposes of the First Ten Amendments Have Been Defiled 287

SCHAUER, Frederick
The Second-Best First Amendment .. 1

SMOLLA, Rodney A.
The Annenberg Libel Reform Proposal: The Case for Enactment 25
Preserving the Bill of Rights in the Modern Administrative-Industrial State 321

SUGARMAN, Stephen D.
Part of the Solution Rather Than Part of the Problem: A Role for American Private Elementary and Secondary Schools in the 1990s 681

VERKUIL, Paul R.
Revisiting the New Property After Twenty-Five Years 365

ZELLICK, Graham
Spies, Subversives, Terrorists and the British Government: Free Speech and Other Casualties 773

INDEX - SUBJECT

Note: Material here indexed includes professional articles as well as student material designated Notes (N).

THE BILL OF RIGHTS

Symposium: The Bill of Rights at 200 Years: Bicentennial Perspectives

Alive and Well: Religious Freedom in the Welfare State 409

Cooperative Surplus: The Efficiency Justification for Active Government 431

A Cultural Historian's Reading of Charles Reich's Impact on the Contemporary Discourse on "Welfare" 307

James Madison, The Bill of Rights, and the Problem of the States 267

James Madison, Virginia Politics, and the Bill of Rights 275

The Liberty Impact of the New Property 295

The Madisonian Theory of Rights . 245

Preserving the Bill of Rights in the Modern Administrative-Industrial State 321

Religious Liberty in the Welfare State 375

Revisiting the New Property After Twenty-Five Years 365

Threat to Religious Liberty by the Welfare State: An Illusion 423

The Trivialization of the Bill of Rights: One Historian's View of How the Purposes of the First Ten Amendments Have Been Defiled 287

BUDGET

Budget Process and Spending Growth 1021

Budget Reform and the Balance of Powers 993

CONSTITUTIONAL LAW

The Second-Best First Amendment .. 1

CRIMINAL PROCEDURE

When Judges Abandon Analogy: The Problem of Delay in Commencing Criminal Prosecutions 607

ENVIRONMENTAL LAW

The Chesapeake Bay Preservation Act: The Problem with State Land Regulation of Interstate Resources (N) 735

State Environmental Programs: A Study in Political Influence and Regulatory Failure 823

FREEDOM OF SPEECH

Spies, Subversives, Terrorists and the British Government: Free Speech and Other Casualties 773

JURISDICTION

Exclusive or Concurrent Jurisdiction Over Private Civil RICO Actions: Finding the Appropriate Reference (N) 491

LAW ENFORCEMENT

Not Fit for Sea Duty: The Posse Comitatus Act, the United States Navy, and Federal Law Enforcement at Sea (N) 445

LEGAL EDUCATION
The Revolutionary Idea of University Legal Education 527

LIBEL
The Annenberg Libel Reform Proposal: The Case for Enactment 25

NEWBORNS
Anencephalic Newborns as Organ Donors: An Assessment of "Death" and Legislative Policy (N) 197

PLEADINGS
Presumed Frivolous: Application of Stringent Pleading Requirements in Civil Rights Litigation 935

PRODUCTS LIABILITY
Liability of Alcoholic Beverage Manufacturers: No Longer a Pink Elephant (N) 157

SEXUAL VIOLENCE
A New Political Truth: Exposure to Sexually Violent Materials Causes Sexual Violence 575

SEPARATION OF POWERS
Nondelegation After *Mistretta*: Phoenix or Phaëthon? (N) 1047

TAXATION
Valuation Freezes After the 1988 Act: The Impact of Section 2036(c) on Closely Held Businesses 67

TORTS
Humor, Defamation and Intentional Infliction of Emotional Distress: The Potential Predicament for Private Figure Plaintiffs (N) 701

BOOK REVIEW
Part of the Solution Rather Than Part of the Problem: A Role for American Private Elementary and Secondary Schools in the 1990s 681

TABLE OF CASES

Note: Cases indexed here include only those receiving textual discussion.

Agency Holding Corp. v. Malley-Duff & Associates 520-23, 524, 525
American Textile Manufacturers Institute v. Donovan 1066-67
Barker v. Wingo 632, 633
Barron v. Baltimore 273, 293
Barsky v. Board of Regents 305-06
Bethel School District v. Fraser ... 343-44
Bissonette v. Haig 455
Board of Regents v. Roth 352
Bob Jones University v. United States 407
Bonner v. Moran 212-13
Bowen v. American Hospital Association 211-12
Bowsher v. Synar 1094
Brady v. Maryland 648
Brandenberg v. Ohio 13
Brandenburg v. Seidel 504-05
Branti v. Finkel 345-46
Brogan v. U.K. 815-16, 819
Brown v. Board of Education 685, 687, 688
Brune v. Brown Forman Corp. 180-82, 189
Califano v. Aznavorian 332
California v. Trombetta 646-47
Central Hudson Gas & Electric Corp. v. Public Service Commission 13
Chivas Products Limited v. Owen 506-10, 516-17
Cianci v. Superior Court 503-04
Cipollone v. Liggett Group, Inc. 160, 165, 190-91
Commonwealth v. Davis 328-29, 333
Conley v. Gibson 963-65, 970, 971
Connick v. Myers 347-48, 349
In re Conroy 232
Corporation of the Presiding Bishop v. Amos 399-400, 428
Dickman v. Commissioner 78
Dun & Bradstreet, Inc. v. Greenmoss Builders 44, 63
Edwards v. California 333-34
Elliott v. Perez 958-59
Elrod v. Burns 345, 346
Escobedo v. Illinois 636-37
Estate of Boykin v. Commissioner . 76-78, 88
Estate of Harrison v. Commissioner 84-86, 88
Estate of Thornton v. Caldor, Inc. 404-05, 406, 428, 440
Field v. Clark 1054, 1056
First English Evangelical Lutheran Church v. County of Los Angeles 830, 835, 838
Fletcher v. Peck 274
Frank v. National Broadcasting Co. . 725, 726
Franklin v. Oregon 984
Frazee v. Illinois Department of Employment Security 338
Frazier v. Southeast Transportation Authority 954-55
Garrison v. Heublein, Inc. 173-75, 178
Gertz v. Robert Welch, Inc. 44, 47, 48, 56, 57, 62, 708, 714, 726
Goldberg v. Kelly 242, 351, 352, 367-69, 370, 372-73
Goldman v. United States 789
In re Grady 230-31, 232
Grand Rapids v. Ball 407
Gray v. Creamer 972
Green v. County School Board 685
Griffin v. County School Board . 685, 686
In re Guardianship of Barry 230, 232
Gulf Offshore Co. v. Mobil Oil Corp. 497-500, 501, 502, 518
Haig v. Agee 323
Haines v. Kerner 970-74
Harlow v. Fitzgerald 59
Hazelwood School District v. Kuhlmeier 342
Hobbie v. Unemployment Appeals Commission 337-38

Hon v. Stroh Brewery Co. 175-77, 188, 190, 193-94
Hudson Water Co. v. McCarter 430
Hustler Magazine v. Falwell .. 48, 710-15, 717, 721, 722-23, 728, 730, 732-33
Industrial Union Department v. American Petroleum Institute 1066-67
INS v. Chadha 1081,1091
Jackson v. State 467
Jemzura v. Belden 949
J.W. Hampton, Jr. & Co. v. United States 1055, 1072, 1073
Katz v. United States 789
Keyes v. School District No. 1 685
The King v. Marshall and Grantham 635
The King v. Robinson 634-35
Klopfer v. North Carolina 630
Laird v. Tatum 454, 455
Lander v. Sweden 792
Lochner v. New York 376
Lou v. Belzberg 515
Maguire v. Pabst Brewing Co. 183-84
Malek v. Miller Brewing Co. . 184-86, 189
Marbury v. Madison 60
Mathews v. Eldridge 655
McAuliffe v. Mayor of New Bedford 328, 354
Miller v. California 13
Milliken v. Bradley 688
Miranda v. Arizona 9, 637
Mistretta v. United States 1048, 1049, 1050-51, 1065, 1069, 1071-77, 1078, 1079, 1080, 1084, 1086, 1092, 1093, 1095
Morris v. Adolph Coors Co. 192-93
Morrison v. Olson 1048, 1049, 1050-51, 1068-72, 1074, 1080, 1084
NCAA v. Tarkanian 300
Negrich v. Hohn 952, 972-74
Neitzke v. Williams 977-78
New York Times v. Sullivan ... 6, 13, 25, 36, 44, 47, 48, 51, 53, 56, 57, 59, 60, 61, 706-07, 712, 713, 715, 716, 726, 733
NLRB v. Catholic Bishop of Chicago 380, 396, 399, 408, 425
Nollan v. California Coastal Commission 830, 836-38
Norwood v. Harrison 686
Olmstead v. United States 789
Panama Refining Co. v. Ryan 1055-57
Panhandle Oil Co. v. Mississippi *ex rel.* Knox 430
Pemberton v. American Distilled Spirits Co. 178-80
Perry Education Association v. Perry Local Educators' Association 342-43
In re Phillip B. 231-32
Pickering v. Board of Education 347, 349
Poindexter v. Louisiana Financial Assistance Commission 686
Polygram Records v. Superior Court 717-20, 730
Pring v. Penthouse International . 720-21, 726, 730
The Queen v. Hext 635
The Queen v. Robins 635
In re Quinlan 232
R. v. Ponting 811
Rankin v. McPherson 348-51
Rivarde v. State 696-97, 698-99, 700
Robb v. Shockoe Slip Foundation 848-50, 860
Rochin v. California 654-55
Rotolo v. Borough of Charleroi 953-54, 973
Save Ourselves, Inc. v. Louisiana Environmental Control Commission 857
Schechter Poultry Corp. v. United States 1049, 1056-57
Sedima, S.P.R.L. v. Imrex Co. 510, 512-15, 520, 523, 524, 525
Sharon v. Time, Inc. 47
Sherbert v. Verner 335-36, 338, 339, 405, 429
Simpson Electric Corp. v. Leucadia, Inc. 511-12
Singleton v. Lefkowitz 643
Strauss v. City of Chicago 957
Strickland v. Washington 648-49
Strunk v. Strunk 214-15
Strunk v. United States 633
Strycker's Bay Neighborhood Council, Inc. v. Karlen 737
Supreme Court of Virginia v. Virginia Consumers Union 59
Swann v. Charlotte-Mecklenburg Board of Education 685
Synar v. United States 1059, 1064-65

Texas Monthly v. Bullock 395
Thomas v. Review Board 336-37, 338
Townsend v. Frame 973-74
Triggs v. Sun Printing & Publishing Association 724
United Public Workers v. Mitchell 346-47
United States v. Bagley 648, 649
United States v. Burr 636, 639-40
United States v. Byrum 75
United States v. Gerena 455-56
United States v. Land 80
United States v. Lee 407, 426, 429
United States v. Lovasco 616-19, 625-26, 627-28, 650, 653, 654, 655, 663-64
United States v. Marion 616, 622-23, 631, 632, 635, 650
United States v. McArthur 463-64
United States v. Robel 1089-90
United States v. Valenzuela-Bernal 644-45, 647
United States v. Walden 464-65, 466, 467, 473
United States Civil Service Commission v. National Association of Letter Carriers 346-47
Valley v. Maule 948-51, 952, 956
Walz v. Tax Commission 393-94, 395
Wards Cove Packing Co. v. Atonio .. 402
Washington v. Texas 640
Webb v. Texas 641-42, 643, 644
Westmorelad v. CBS 48
Whitney v. California 722
In re Winship 652-53
Yick Wo v. Hopkins 306
Youngstown Sheet & Tube Co. v. Sawyer 1060
Zamen v. Schultz 213